
From: Wu, Jennifer
To: Henning, Alan
Sent: 4/21/2014 12:15:31 PM
Subject: RE: OR Board of Forestry Meeting

Thanks for the detailed email and direction forward. You're taking on a lot in Oregon, so if we need to talk about how to lighten your load on the TMDL side or ways we can all help out, let me know if you want to talk. Thanks, Alan!

From: Henning, Alan
Sent: Tuesday, April 15, 2014 5:54 PM
To: Psyk, Christine; Palmer, John; Keenan, Dru; Wu, Jennifer; Labiosa, Rochelle; Byrne, Jennifer; Carlin, Jayne; Leinenbach, Peter
Cc: Opalski, Dan; Croxton, Dave
Subject: OR Board of Forestry Meeting

Yesterday, I attended the Oregon Board of Forestry meeting at the Seven Feathers Casino in Canyonville, Oregon. Of the agenda items, the most important item for EPA was the Board's discussion on the Riparian Protection Rule Analysis.

Prior to the Board meeting, Peter Daugherty, ODF's Private Forests Division Chief, developed and distributed a Staff Report on this issue for the Board's consideration. This was the same staff report NWEA sent to us (Christine) and Christine distributed to folks working on OR forestry, water quality and CZARA issues (see the attachment). At the Board meeting, Mr. Daugherty essentially read the report to the Board with an emphasis on the "Emerging Policy Issues and Challenges". The emerging issues and challenges were summarized into three subject areas:

1. Stakeholder concerns (concerns both for and against a rule change);
2. The universe that would be impacted by the riparian rule change, i.e., where does the PCW threshold apply to medium and small fish bearing streams ; and
3. the potential larger impact on family forestland owners.

While a detailed discussion on the emerging issues and policies did not occur, the Board was ask to provide the staff input on these issues and other concerns the Board may have that should be addressed as the rule proceeds. The staff's identified issues and concerns are listed in the Staff Report. In turn, the Board identified several issues/questions they would like the staff to address. Those issues included:

1. A broad and detailed discussion on the science supporting the rule change;
2. A clear timeline for the decision process;
3. The economic realities of a rule change;
4. General rule alternatives;
5. Specific watersheds where the state's decisions would be more dominant;
6. Clear definition of the problem and conditions;
7. Review of the science model;
8. Where the Board's decision space exists;
9. A clearer understand of the cost of delaying a decision;
10. A better understanding of the land ownership;
11. Questions related to the application of PCW; and
12. The geographic scope.

Many of the Board's questions are being raised because several Board members are new to the Board and some feel they do not have the depth of knowledge needed to make solid decisions on a rule change at this point in time. There is also a tremendous amount of pressure coming from the forest industry to not make a rule change. Some of the points against a rule change include 1) the PCW

standard is "bad" or "wrong", 2) a more current study, the "Paired Watersheds" Study, provides better information on the beneficial use impacts of forest harvest than the RipStream Study. They believe that the Paired Watersheds Study actually shows no or a positive impact on fish from timber harvest on small streams when ODF rules are followed, and 3) the economic impact on the small woodland landowner will be great. (We still need to do our own assessment of the Paired Watersheds.)

To get at the Board's questions/issues, the Board asked staff to coordinate a workshop for the Board where the respective state and federal agencies would be present to help address the Board's question. EPA was invited to participate in the workshop. The workshop will likely take place on June 24th or 25th. Mr. Daugherty will be developing the agenda for the workshop and will be contacting us as the agenda evolves. This really represents an opportunity for us to, again, weigh in on riparian rule change discussion and help ODF move the rule making process forward.

One of the key issues we (EPA) really need determine is our position on where/how the PCW criterion applies to the medium and small sized fish-bearing streams. At first blush, one would think it would be an easy question to answer but it is not. Some of us have begun this discussion. Peter Leinenbach and I will be meeting with ODF this Friday to get an update on ODF's RipStream data assessment and modeling work which should help us understanding how the State is approaching this issue. John Palmer and Dru are revisiting some of the past mapping work completed to support the designate use maps used in establishing temperature bio-criteria in Oregon. Next week, folks working on this issue, will re-group and continue to work to define EPA's position.

Jennifer is also going to touch bases with Nina Bell to better understand her reason for sending the ODF staff report to us. Does she have concerns that the State's interpretation of the application of the PCW will ultimately reduce the scope/applicability of a riparian rule change? If so, how so?

Feel free to give me a call if you have any questions regarding this e-mail or the riparian rule change activities.

Alan